

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BEFORE THE STATE BOARD OF EDUCATION**

DALE A. R. ERQUIAGA, SUPERINTENDENT  
OF PUBLIC INSTRUCTION, DEPARTMENT  
OF EDUCATION, STATE OF NEVADA,

CASE NO. 14-02

Petitioner,

v.

ABBEY C. GARDNER,

Respondent.

**STIPULATION AND ORDER FOR SUSPENSION**

Superintendent of Public Instruction Steve Canavero, successor to Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education, State of Nevada ("Petitioner"), and Abbey C. Gardner ("Respondent") hereby stipulate as follows:

1. Dale A.R. Erquiaga, in his official capacity as Superintendent of Public Instruction, Department of Education, State of Nevada, made and filed the Petition and Recommendation for Suspension of License ("Petition") on December 31, 2014. The Petition and Notice of Petition, Recommendation, and Right to Hearing ("Notice") were mailed as required by Nevada Revised Statutes (NRS) Chapter 391, providing proper notice to Respondent.

2. Respondent exercised her right to request a hearing before a hearing officer pursuant to NRS 391.355 and a hearing before a hearing officer took place on September 11, 2015 before Hearing Officer Rajinder K. Nielsen. The Hearing Officer took evidence and on September 29, 2015 issued a Hearing Officer Report (attached hereto as Exhibit 1, and is fully incorporated herein) including recommendations to the State Board of Education (the "Board").

3. Respondent is the holder of License No. 0000072540 issued by the Superintendent of Public Instruction, Department of Education, State of Nevada, pursuant to the provisions of Chapter 391 of the Nevada Revised Statutes ("license"). Such license currently is as follows: Elementary (K-8) Teaching; Secondary (7-12) Academic Endorsement Dramatic or

1 Theatrical Arts; and Special Education (K-12) Generalist. Such license is set to expire April 21,  
2 2019. Petitioner agrees to that nothing contained in this Stipulation and Order For Suspension of  
3 Respondent's license shall prevent Respondent from renewing her license in a suspended status  
4 provided that she meets all the other requirements of licensure renewal.

5 4. Respondent has subjected her license to revocation or suspension by violation of  
6 NRS 391.330(4), conviction of a felony or crime involving moral turpitude.

7 5. On June 20, 2014, the First Judicial District Court of the State of Nevada in and for  
8 Carson City has entered a Judgment of Conviction (the "Judgment"), accepting Respondent's  
9 Guilty Plea and convicting Respondent of the crime of Driving Under the Influence of Alcohol  
10 Third Offense, a category B felony committed December 21, 2013. A certified copy of the  
11 Judgment and supporting court documents are attached hereto as Exhibit 2, and is fully  
12 incorporated herein.

13 6. NRS 391.320 and NRS 391.330 provide in pertinent part that the State Board of  
14 Education may revoke or suspend Respondent's license, if recommended by the Superintendent  
15 of Public Instruction or the Board of Trustees of a School District, after Notice and opportunity for  
16 hearing, upon the grounds specified in NRS 391.330(4), conviction of a felony or crime involving  
17 moral turpitude.

18 7. Respondent's guilty plea and conviction of the crime of Driving Under the Influence  
19 of Alcohol Third Offense, a category B felony, as evidenced by Exhibit 2, is a conviction of a  
20 felony and a crime of moral turpitude, a ground for revocation or suspension under NRS  
21 391.330(4).

22 8. Respondent's license shall be suspended until June 20, 2019. No more than  
23 two months prior to June 20, 2019, and no later than July 20, 2019, Respondent may request  
24 reinstatement of her license and shall have the right to Request a hearing in support of her  
25 request before the Board in accordance with NRS 391.323 (2). Any such hearing shall be  
26 held, to the extent possible, at the next regularly scheduled Board meeting after the request  
27 was made. Respondent shall not have a right to a further hearing before a Hearing Officer.  
28 During the course of the hearing process, the Board may consider the recommendations of

1 the Hearing Officer contained in the Hearing Officer Report as well as any other evidence  
2 presented by Petitioner or Respondent, including evidence of actions, events and/or behavior  
3 occurring after the execution of this Stipulation. Upon conclusion of the hearing, the Board  
4 shall determine whether to reinstate Respondent's license. This Stipulation shall not be  
5 construed to limit the power of the Board to exercise its disciplinary power over Respondent's  
6 license, including further suspension, or revocation under NRS 391.330.

7 9. Respondent is aware of, understands, and has been advised of the effect of this  
8 Stipulation and Order, which she has carefully read and fully acknowledges. No coercion has  
9 been exerted on her to enter into this Stipulation and Order. Respondent acknowledges she  
10 has a right to an attorney and that she has had opportunity to discuss this stipulation with her  
11 attorney. She has had the opportunity to benefit, at all times, of advice from competent  
12 counsel of his choice.


13 10. Respondent is aware of her rights including the right to a hearing on any  
14 charges and/or allegations; the right to examine witnesses who would testify against her; the  
15 right to present evidence in her favor and call witnesses on her behalf; the right to testify  
16 herself; the right to contest the charges and allegations; the right to reconsideration, appeal, or  
17 any other type of formal judicial review of this matter; and any other rights which may be  
18 accorded to Respondent pursuant to the Nevada Administrative Procedures Act, NRS  
19 Chapter 391, and NAC Chapter 391. Respondent voluntarily, knowingly, and intelligently  
20 agrees that the exercise of these foregoing rights shall be postponed until June 20, 2019 in  
21 return for the Board's acceptance of this Stipulation and Order.

22 11. Respondent understands this Stipulation and Order is considered a disciplinary  
23 action and will become part of her licensee file. Respondent understands that this action is  
24 subject to the public records law and that the Board may be required to make this Stipulation  
25 and Order and related documents available for inspection. Respondent understands this  
26 Stipulation and Order is considered a disciplinary action and will be reported to any national  
27 repository, which records disciplinary action taken against licensees, or any agency or another  
28 state, which regulates educational personnel. Respondent understands that the suspension

1 of her license is effective the day this Stipulation and Order is accepted by the Board.  
2 However, Respondent agrees to immediately cease and desist practicing as a licensed  
3 educator.

4 12. Respondent, by her signature affixed below, agrees with the foregoing facts and  
5 representations, and therefore agrees to the suspension of her license.

6  
7  
8 By:

  
Abbey Gardner Nash  
3793 Meadow Wood Rd  
Carson City, NV 89703

Nevada Department of Education


By:

  
Steve Canavero  
Superintendent of Public Instruction  
700 East Fifth Street  
Carson City, Nevada 89701


11  
12  
13 Approved as to form:

Approved as to form:  
ADAM PAUL LAXALT  
Nevada Attorney General

14  
15 By:

  
Jessica C. Prunty, Esq  
DYER, LAWRENCE, FLAHERTY  
DONALDSON & PRUNTY  
JPrunty@dyerlawrence.com  
Attorneys for Respondent

By:

  
GREGORY D. OTT  
Deputy Attorney General  
Nevada Office of the Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

18  
19 **ORDER**

20 Pursuant to the Parties' Stipulation above and good cause appearing,

21 IT IS SO ORDERED that:

22 1. Respondent's guilty plea and conviction of the crime of Driving Under the Influence  
23 of Alcohol Third Offense, a category B felony, as evidenced by Exhibit 2, is a conviction of a  
24 felony and a crime of moral turpitude, a ground for revocation or suspension under NRS  
25 391.330(4).

26 2. Pursuant to NRS 391.320 and NRS 391.330(4), Respondent's license is hereby  
27 suspended through July 20, 2019, at which time Respondent may request reinstatement of  
28

///

1 her license and a further hearing before the Board after which the Board will determine  
2 whether to reinstate, revoke or further suspend her license.

3 DATED this \_\_\_ day of \_\_\_\_\_ 2015.

4  
5 By: \_\_\_\_\_

6 Elaine Wynn, President  
7 State Board of Education  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 I, Heather Cooney, certify that I am an employee of the State of Nevada, Office of the  
3 Attorney General, and that on this \_\_\_\_\_ day of \_\_\_\_\_ 201\_, I served a true  
4 and correct copy of the foregoing **STIPULATION AND ORDER FOR SUSPENSION**, via U.S.  
5 mail and certified mail return receipt to:

6 Abbey Gardner Nash  
7 209 Sandstone Dr.  
8 Carson City, NV 89706

9 **Certified mail #7012 1640 0001 2580 0052**

10 In addition, a true and correct copy of the foregoing was sent via electronic service to:

11 Steve Canavero  
12 Interim Superintendent of Public Instruction  
13 700 East Fifth Street  
14 Carson City, Nevada 89701  
15 derquiaga@doe.nv.gov

16 \_\_\_\_\_  
17 Heather Cooney, Legal Secretary II  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28